

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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 In re PETER SZANTO,  
  
 Debtor.

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 PETER SZANTO,  
  
 Plaintiff,  
  
 vs.  
  
 U.S. TRUSTEE,  
  
 Defendant.

Case No. 3:14-cv-00259-RCJ  
 Bankr. No. 13-bk-51261-BTB

**ORDER**

Plaintiff–Debtor Peter Szanto has asked the Court to stay his Chapter 11 bankruptcy case pending the present civil complaint against the U.S. Trustee for malfeasance during the underlying bankruptcy proceedings. Plaintiff has separately asked the Court to withdraw the reference in its entirety based upon the alleged bias of the bankruptcy judge. The Court has reviewed the docket in the underlying bankruptcy case and noticed that the bankruptcy case was dismissed on June 17, 2014 and that a notice of appeal was filed on June 19, 2014. The Court denies the motion to stay as moot because this Court has no jurisdiction to stay a bankruptcy case via the present civil action. In any case, the bankruptcy case in question has been dismissed. *See, e.g., In re Lear Corp.*, 418 B.R. 47, 48 (S.D.N.Y. 2009) (dismissing a motion to withdraw the

1 reference as moot where the bankruptcy court had dismissed the relevant adversary proceeding  
2 while the motion was pending).

3 Finally, the Court notes that Plaintiff has alleged vague “civil rights” violations but has  
4 identified no bases for his grievance apart from the U.S. Trustee’s alleged malfeasance under the  
5 bankruptcy code. Those complaints must be brought to the attention of the bankruptcy judge in  
6 the bankruptcy case or on appeal. The U.S. Trustee is not a state actor amenable to a claim under  
7 42 U.S.C. § 1983. And even assuming Plaintiff intended a *Bivens* action, the Trustee is immune  
8 to any claims arising out of his official acts. *See Balser v. Dep’t of Justice, Office of. U.S. Tr.*,  
9 327 F.3d 903, 909–11 (9th Cir. 2003).

10 **CONCLUSION**

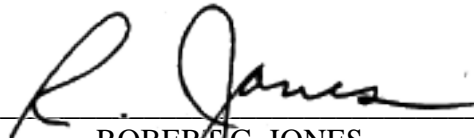
11 IT IS HEREBY ORDERED that the Motion to Stay (ECF No. 6) is DENIED.

12 IT IS FURTHER ORDERED that the Motion for Pro Se Litigant to File Electronically  
13 (ECF No. 9) is DENIED.

14 IT IS FURTHER ORDERED that Plaintiff shall SHOW CAUSE within fourteen (14)  
15 days why the present action should not be dismissed for failure to state a claim.

16 IT IS SO ORDERED.

17 Dated: This 23rd day of July, 2014.

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20 ROBERT C. JONES  
21 United States District Judge  
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